

APPENDIX D

FAA, OFFICE OF AIRPORT SAFETY AND STANDARDS

PROGRAM POLICIES AND GUIDANCE

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Initiation of Ecological Studies at Airports.
AIRPORT CERTIFICATION PROGRAM - 14 CFR 139
PROGRAM POLICY AND GUIDANCE
POLICY # 53

139.337

April 25, 1997

SUBJECT : INITIATION OF ECOLOGICAL STUDIES AT AIRPORTS.

PURPOSE

This policy establishes the procedures Federal Aviation Administration (FAA) Airport Certification Safety Inspectors (ACSI) should follow when it is determined that an airport needs to conduct an ecological study to address an airport wildlife hazard.

BACKGROUND

Populations of wildlife species commonly associated with wildlife/aircraft strikes are increasing at a marked rate in the United States. For example, the resident Canada goose population increased 3-fold from 1935-1995; white-tailed deer populations increased 100-fold between 1900 and 1995; and gull populations on the Great Lakes increased 20-fold from 1950-1990. The presence of wildlife on and near airports creates a hazard to operating aircraft. Wildlife/aircraft strikes cause severe damage to operating aircraft, human injuries and loss of life. It is estimated that between 1993 and 1995, wildlife strikes cost U.S. civil aviation over \$150 million annually. Military losses are estimated at over \$100 million/year.

Title 14, Code of Federal Regulations, part 139.337 requires the certificate holder to conduct an ecological study¹, acceptable to the FAA, when a wildlife hazard exist on the airport. This study is used by the FAA to determine if a Wildlife Hazard Management Plan is needed for the airport. A Memorandum of Understanding (MOU) between the FAA and WS (No. 12-34-71-0003-MOU) establishes a cooperative relationship between these agencies for resolving wildlife hazards to aviation. The FAA relies heavily on the assistance of WS to conduct, review, or contribute to, airport ecological studies and airport Wildlife Hazard Management Plans.

¹ USDA, Wildlife Services, uses the term "Wildlife Hazard Assessment." 14 CFR 139.337(a) uses the term "Ecological Study." In this context the two terms should be considered synonymous. Wildlife Hazard Assessment is the preferred term because it is more descriptive of what is actually being done.

PROCEDURES

When the FAA determines that a ecological study is needed for a particular airport, the ACSI should:

1. Contact the appropriate airport official and inform them of the need for the study.

The certificate holder may look to WS or to a private party to conduct the required ecological study. The certificate holder is responsible for consultant selection and initial contact. Because the ecological study is used by the FAA to determine if a Wildlife Hazard Management Plan is needed for the airport, it should be conducted by persons having the education, training, and experience necessary to adequately assess any wildlife hazards.

2. Give the airport sufficient time (normally no more than 30 days) to make the initial contact and set a date when the study will begin.
3. Review the airport's certification manual (ACM) to determine what procedures are already in place to meet section 139.337 requirements and the degree of compliance on the part of the airport. Failure of the certificate holder to fully comply with all part 139 requirements is a violation of the regulation.
4. Take follow-up actions as needed to insure timely initiation and completion of the study, as well as submission of the study results and recommendations.
5. Review the study and recommendations to determine if an airport Wildlife Hazard Management Plan is needed. Upon completion of the review process, convey the determination to the certificate holder.

OSB

Robert E. David, Manager

April 25, 1997

Date

SECTION 7 CONSULTATION ON ENDANGERED OR THREATENED SPECIES
AIRPORT CERTIFICATION PROGRAM - 14 CFR 139
PROGRAM POLICY AND GUIDANCE
POLICY # 57

139.337

March 19, 1993

SUBJECT: SECTION 7 CONSULTATION ON ENDANGERED OR THREATENED SPECIES.

PURPOSE:

This policy establishes the procedures for coordinating and documenting Federal Aviation Administration (FAA) compliance with the Endangered Species Act when requiring an airport operator to develop, submit for approval, and implement a Wildlife Hazard Management Plan.

BACKGROUND

Section 7(a)(2) of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 *et seq.*) states, in part, that each Federal agency shall, in consultation with and with the assistance of the Secretary of Interior, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any Federally-listed or proposed endangered or threatened species, or result in the destruction or adverse modification of designated or proposed critical habitat.

The FAA's action in requiring an airport operator to develop, submit for approval, and implement a Wildlife Hazard Management Plan is considered a Federal action, as defined in the Endangered Species Act, and therefore, subject to section 7 consultation with the U.S. Fish and Wildlife Service (USFWS).

PROCEDURES

Under FAR 139.337(d)(1), the FAA may direct an airport operator to develop a Wildlife Hazard Management Plan or to update an existing plan. In these instances, the FAA Regional Coordinator (usually the Airport Certification Safety Inspector responsible for wildlife hazards) shall contact and request information from the local USFWS Ecological Services Field Office regarding the presence of Federally-listed or proposed species or designated or proposed critical habitat occurring on or near the airport. Form letter #1 (attached) shall be used to make this request.

No Further Coordination is Required.

If the USFWS indicates there are no Federally-listed or proposed species or designated or proposed critical habitat occurring on or near the airport, no further action is required regarding the section 7 consultation.

- Further Coordination is Required.

If the USFWS indicates that Federally-listed or proposed species or designated or proposed critical habitat occur on or near the airport, the following additional actions must be taken.

- 1) The FAA Regional Coordinator shall forward the information regarding the presence of Federally-listed or proposed species or designated or proposed critical habitat to the airport so it can take this information into consideration when developing its Wildlife Hazard Management Plan.
 - a) The airport operator must prepare a Biological Assessment (50 CFR 402.13) assessing the affects of the Wildlife Hazard Management Plan on the Federally-listed or proposed species or designated or proposed critical habitat. The Biological Assessment must be submitted to FAA along with the draft plan.
 - b) The airport operator may request early consultation if it has reasons to believe some of the actions proposed under the Wildlife Hazard Management Plan may affect Federally-listed or proposed species or designated or proposed critical habitat.
- 2) When the plan is submitted to the FAA for review and approval, the FAA Regional Coordinator must contact the local USFWS Ecological Services Field Office responsible for section 7 consultations and request consultation on the plan. Form letter #2 (attached) shall be used to submit the Wildlife Hazard Management Plan to USFWS ES for section 7 consultation.
- 3) The section 7 consultation must be completed before the Wildlife Hazard Management Plan is given final FAA approval and returned to the airport operator for inclusion in its Airport Certification Manual and implementation.
- 4) The signature level for both letters is at the discretion of the FAA Regional Office.

OSB

Robert E. David, Manager

March 19, 1993

Date

FORM LETTER #1

Request for information regarding the presence of Federally-listed or proposed species or designated or proposed critical habitat.

Because of recent wildlife aircraft strikes at _____ Airport in _____ County, _____ (State), the Federal Aviation Administration (FAA) is requiring the airport develop a Wildlife Hazard Management Plan to reduce the wildlife aircraft strike hazard at the airport.

As part of the Wildlife Hazard Management Plan developmental process, potential impact on federally-listed or proposed species or designated or proposed critical habitat will be considered. Therefore, would you provide information concerning the presence of federally-listed or proposed species or designated or proposed critical habitat occurring on or near the airport?

Please reply to the attention of _____, [and reference file no. _____].

Thank you for your cooperation in this matter.

FORM LETTER #2

Request for Section 7 Consultation.

At the direction of the Federal Aviation Administration (FAA), _____ Airport in _____ County, _____ (State), has developed the attached Wildlife Hazard Management Plan, which is intended to mitigate wildlife aircraft strike hazards at the airport.

The actions proposed in the plan may include:

1. Habitat modifications - reduction/elimination of food, cover, and water attractive to certain wildlife species.
2. Resource protection - repelling of certain wildlife species using physical barriers and/or chemical, audio, and/or visual repellents.
3. Population management - removal of certain wildlife species from the vicinity of the airport using non-lethal and lethal means.

In accordance with Section 7 of the Endangered Species Act of 1973, as amended, the FAA has reviewed the draft plan and has determined that the plan is/is not (*select one; consult the FAA Staff Wildlife Biologist if assistance is needed in making the determination of effect.*) likely to adversely affect the following federally-listed or proposed species or designated or proposed critical habitat: (*list federally-listed or proposed species or designated or proposed critical habitat from information provided by USFWS ES, in response to form letter #1*).

Please reply to the attention of _____, [and reference file no. _____].

Thank you for your cooperation in this matter.

Airport Certification Program - 14 CFR Part 139
Program Policy and Guidance
Policy # 64

139.337

SUBJECT: REVIEW OF AIRPORT WILDLIFE HAZARD MANAGEMENT PLANS.

PURPOSE

This policy establishes procedures Airport Certification Safety Inspectors must follow when an incident occurs that requires an operator of a certificated airport to initiate an ecological study¹, as mandated under Title 14, Code of Federal Regulations, §139.337(a)(1-3).

BACKGROUND

Part 139.337 prescribes action that a certificate holder must take in response to certain wildlife events. As a reminder, the requirements states:

Each certificate holder shall provide for the conduct of an ecological study, acceptable to the Administrator, when any of the following events occurs on or near the airport:

1. An air carrier aircraft experiences a multiple bird strike or engine ingestion;
2. An air carrier aircraft experiences a damaging collision with wildlife other than birds;
3. Wildlife of a size or in numbers capable of causing an event described in paragraph (a)(1) or (2) of this section is observed to have access to any airport flight pattern or movement area.

Recent strike reports received by the Airport Safety and Certification Branch (AAS-310) have raised questions regarding compliance with the standards of §139.337. To resolve this matter, Airport Certification Safety Inspectors shall implement the following procedures when notified of any of the events listed in §139.337 (a)(1-3). These procedures are intended to ensure that certificate holders take appropriate action in response to wildlife strikes/incidents and that the FAA consistently maintains records of actions taken.

¹ USDA, Wildlife Services, uses the term "wildlife hazard assessment." 14 CFR 139.337(a) uses the term "ecological study." In this context the two terms should be considered synonymous. Wildlife hazard assessment is the preferred term because it is more descriptive of what is actually being done.

PROCEDURES.

- 1) AAS-310 will review all reports of aircraft wildlife strikes. When a strike is reported that would initiate an ecological study under §139.337(a)(1-3), a copy of the report, together with the strike history of the airport in question, will be forwarded to the Regional Coordinator, usually the Airport Certification Safety Inspector responsible for that region's wildlife hazard management issues.
- 2) When notification is received from AAS-310, the Regional Coordinator will review the specific airport's Airport Certification Manual to determine if an ecological study (Wildlife Hazard Assessment) has ever been conducted at the airport, and if the results of that study led to the development and implementation of an FAA approved Wildlife Hazard Management Plan.
 - a) If an ecological study has never been conducted, the Regional Coordinator will instruct the certificate holder to undertake the required ecological study. Procedures found in Program Policy and Guidance Policy # 53, Initiation of Ecological Studies at Airports should be followed. The results of this study, together with other pertinent factors, will be used to determine if a Wildlife Hazard Management Plan is needed.
 - b) If an ecological study was conducted within the last 12 months, but development and implementation of a Wildlife Hazard Management Plan was not required, Regional Coordinator will review the ecological study and the decision not to require development and implementation of a Wildlife Hazard Management Plan. In most cases, the certificate holder should be instructed to develop and submit for FAA approval a Wildlife Hazard Management Plan based on the results of the ecological study.
 - c) If the ecological study is more than 12 months old, and no Wildlife Hazard Management Plan was developed, the Regional Coordinator will instruct the certificate holder to begin a new ecological study. The results of this study, together with other pertinent factors, will be used to determine if a Wildlife Hazard Management Plan is needed.
 - d) If a FAA approved Wildlife Hazard Management Plan is in place; the Plan should be reviewed to insure that it meets all requirements of §139.337(e). Certalert 97-09, Wildlife Hazard Management Plan Outline provides guidance on what should be in an airport's Wildlife Hazard Management Plan.
 - e) If the Wildlife Hazard Management Plan does not meet all requirements of §139.337(e), the Regional Coordinator will instruct the certificate holder to bring the Plan into compliance with §139.337(e). In some cases, it may be necessary for the certificate holder to under take a new ecological study.
 - f) If the Wildlife Hazard Management Plan does meet all requirements of §139.337(e), the Regional Coordinator will instruct the certificate holder to review

the Plan and determine if it needs revision. This review is best conducted with the assistance of a Wildlife Damage Management Biologist.

Following the review, the certificate holder must notify the FAA of the results of their review and any proposed corrective actions or changes to their Wildlife Hazard Management Plan. When approved, amendments shall be incorporated in the Airport Certification Manual.

- 3) As a reminder, Airport Certification Safety Inspectors will, as part of the initial or periodic inspection, review an airport's Wildlife Hazard Management Plan to ensure that it meets all requirements of §139.337(e)

Further, Airport Certification Safety Inspectors will also review remarks on wildlife hazards in the Airport Facility Directory (AFD), Notice to Airmen (NOTAM) system, or the Automatic Terminal Information Service (ATIS). If these remarks warn of wildlife hazards at or around the airport, the Airport Certification Safety Inspector will consider such remarks to have met the criteria of §139.337(a)(3), and therefore will require the certificate holder to conduct an ecological study, if such a study has not been previously conducted. The results of the ecological study will be used to determine if a Wildlife Hazard Management Plan is needed.

OSB

Robert E. David, Manager

10/04/99

Date

**Airport Certification Program – CFR Part 139
Program Policy and Guidance
Policy # 65**

139.337

SUBJECT: WASTE DISPOSAL FACILITY COORDINATION.

Purpose

This policy establishes the procedures for coordinating and documenting Federal Aviation Administration (FAA) determinations on developing new or expanding existing waste disposal sites within 5 miles of a public-use airport. Guidance on siting various types of landfills is provided in FAA Advisory Circular 150/5200-33 – Hazardous Wildlife Attractants on or Near Airports.

BACKGROUND

The increasing pressure to develop new or expand existing waste disposal sites necessitates coordinating responses to ensure that the agency has a consistent response to these proposals. This practice has been in effect in the Great Lakes and Southwest Regions for several years and has worked well.

PROCEDURES

When a landfill proponent notifies FAA, under Title 40, Code of Federal Regulations, part 258.10, of a proposal to establish a new or expand an existing landfill, the Regional Coordinator, usually the Airport Certification Safety Inspector (ACSI), responsible for waste disposal and wildlife hazards in that region will:

1. Evaluate the proposal and determine whether or not it is compatible with the provisions of AC 150/5200-33 and safe airport operations;
2. Complete a copy of the attached Waste Disposal Facility Coordination Form, based on that determination, including any recommended permitting conditions;
3. Forward the completed form, together with any supporting material to the FAA Staff Wildlife Biologist for evaluation and coordination.
4. If the potentially effected airport is a joint use facility with military aviation, a courtesy copy of the completed form, together with any supporting material should be forwarded to the FAA regional military liaison.

Any disagreement between the recommendations of the Regional Coordinator and the Staff Wildlife Biologist will be resolved by consultation between the Region and Headquarters. When agreement is reached, the Staff Wildlife Biologist will sign the Coordination Form and return a copy to the Regional Coordinator.

All applicable recommended permitting conditions (Section 4 of the Waste Disposal Facility Coordination Form) should be included in the Letter of Determination sent to the proponent or state agency. The completed form will be made a part of the region's permanent file.

OSB

Robert E. David, Manager

9/17/99

Date

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